

1 Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

## UNITED STATES DISTRICT COURT

for the

District of Nebraska

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEBRASKA

2017 FEB 16 AM 9:53

OFFICE OF THE CLERK

Oleg Churyumov

Case No.

8:17 CV 45  
(to be filled in by the Clerk's Office)

Plaintiff(s)

Jury Trial: (check one)      Yes      X No

United States Department of Homeland Security (DHS);  
United States Citizenship and Immigration Services (USCIS);  
USCIS Nebraska Processing (Service) center;  
John F. Kelly, Secretary, DHS  
Lori Scialabba, Acting Director, USCIS;  
Donald Neufeld, Associate Director, Service Center Operations  
Directorate of the USCIS;

Defendant(s)

**COMPLAINT FOR WRIT OF MANDAMUS****I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Oleg Churyumov
Street Address	9755 Mockingbird Dr apartment 38
City and County	Douglas, Omaha
State and Zip Code	NE, 68127
Telephone Number	9175141426
E-mail Address	oleg.churyumov@gmail.com

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

**Defendant No. 1**

Name	United States Department of Homeland Security (DHS)
Job or Title ( <i>if known</i> )	N/A
Street Address	3801 Nebraska Ave NW, Washington, DC 20016, USA
City and County	Washington, DC 20016
State and Zip Code	Washington, DC 20016
Telephone Number	+1 631-226-2796
E-mail Address ( <i>if known</i> )	private.sector@dhs.gov

**Defendant No. 2**

Name	United States Citizenship and Immigration Services
Job or Title ( <i>if known</i> )	N/A
Street Address	20 Massachusetts Ave NW, Washington, DC 20008
City and County	Washington, DC 20008
State and Zip Code	Washington, DC 20008
Telephone Number	+1 800-375-5283
E-mail Address ( <i>if known</i> )	copsscata@dhs.gov

**Defendant No. 3**

Name	USCIS Nebraska Processing (Service) center
Job or Title ( <i>if known</i> )	N/A
Street Address	700 R St, Lincoln, NE 68501, USA
City and County	Lincoln
State and Zip Code	NE 68501
Telephone Number	+1 240-573-6745
E-mail Address ( <i>if known</i> )	NSCFollowup.NCSC@uscis.dhs.gov

**Defendant No. 4**

Name	John F. Kelly
Job or Title ( <i>if known</i> )	Secretary, DHS

Street Address	3801 Nebraska Ave NW, Washington, DC 20016
City and County	Washington, DC 20016
State and Zip Code	Washington, DC 20016
Telephone Number	+1 631-226-2796
E-mail Address (if known)	private.sector@dhs.gov

**Defendant No. 5**

Name	Lori Scialabba
Job or Title (if known)	Acting Director, USCIS
Street Address	20 Massachusetts Ave NW, Washington, DC 20008
City and County	Washington, DC 20008
State and Zip Code	Washington, DC 20008
Telephone Number	+1 800-375-5283
E-mail Address (if known)	copsscata@dhs.gov

**Defendant No. 6**

Name	Donald Neufeld
Job or Title (if known)	Associate Director, Service Center Operations Directorate
Street Address	700 R St, Lincoln, NE 68501, USA
City and County	Lincoln
State and Zip Code	NE 68501
Telephone Number	+1 240-573-6745
E-mail Address (if known)	NSCFollowup.NCSC@uscis.dhs.gov

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Code of Federal Regulations  
Administrative Procedure Act

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**B. If the Basis for Jurisdiction Is Diversity of Citizenship**

N/A

**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

USCIS unreasonably, significantly and unlawfully delayed my employment authorization.

On 12/23/2016, I filed to USCIS i-765 form, work authorization application based on asylum pending [Attachment 1, Receipt Notice]. USCIS case number is LIN1790283667.

According to 8 CFR 208.7 (a), if the asylum application is not so denied, the USCIS shall have **30 days** from the date of filing of the employment authorization request to grant or deny that application. However, USCIS violated this law and did not proceed my employment authorization by today.

I sent the following complaints directly to defendants:

- On 01/23/2017, I sent "service request" regarding delay with my case to Nebraska Service center. On 01/30/2017, I received a response, saying to wait for another 2 months starting of 01/30/2017 [Attachment 2, Email Response]. Hence, finally period of waiting was increased to more than 90 days from application date (12/23/2016) instead of 30 days provided by the 8 CFR 208.7 (a). Moreover, this significant delay violates the Administrative Procedure Act.
- On 02/12/2017, I filed request to DHS. On 02/14/2017 I received a response saying that I need to wait for another month [Attachment 3, Email Response].

**IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Your Honor: based on the present writ of mandamus, I kindly ask you to force USCIS to make a decision on my case within the timeframe provided by the law. I am the only potential income provider in my family. My wife is pregnant and we have 2 years old daughter. We are moving to shelter due to no work permit. I had a job offer but lost it because of USCIS delay.

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

16/02/2017

Signature of Plaintiff

Printed Name of Plaintiff

Oleg Churyumov**B. For Attorneys**

Date of signing:

N/A

Signature of Attorney

N/A

Printed Name of Attorney

N/A

Bar Number

N/A

Name of Law Firm

N/A

Street Address

N/A

State and Zip Code

N/A

Telephone Number

N/A

E-mail Address

N/A


Department of Homeland Security  
U.S. Citizenship and Immigration Services

## Form I-797C, Notice of Action

**THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.**

NOTICE TYPE <b>Receipt</b>		NOTICE DATE <b>January 02, 2017</b>
CASE TYPE <b>I-765, Application for Employment Authorization</b>		USCIS ALIEN NUMBER <b>A209069241</b>
RECEIPT NUMBER <b>LIN1790283667</b>	RECEIVED DATE <b>December 23, 2016</b>	PAGE <b>1 of 1</b>
		DATE OF BIRTH <b>January 26, 1986</b>

<p>OLEG CHURYUMOV 9755 MOCKINGBIRD DRIVE APT 38 OMAHA, NE 68127</p> <p>50 00012914</p> 	<p><b>PAYMENT INFORMATION:</b></p> <p>Application/Petition Fee: \$0.00 Biometrics Fee: \$0.00 Total Amount Received: \$0.00 Total Balance Due: \$0.00</p>
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**NAME AND MAILING ADDRESS**

The above case has been received by our office and is in process.

Please verify your personal information listed above and immediately notify the USCIS National Customer Service Center at the phone number listed below if there are any changes.


Please note that if a priority date is printed on this notice, the priority does not reflect earlier retained priority dates.

If you have questions about possible immigration benefits and services, filing information, or USCIS forms, please call the USCIS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call the NCSC TDD at 1-800-767-1833. Please also refer to the USCIS website: [www.uscis.gov](http://www.uscis.gov).

If you have any questions or comments regarding this notice or the status of your case, please contact our customer service number.

You will be notified separately about any other case you may have filed.

<p><b>USCIS Office Address:</b></p> <p>USCIS Nebraska Service Center P.O. Box 82521 Lincoln, NE 68501-2521</p>	<p><b>USCIS Customer Service Number:</b></p> <p>(800)375-5283</p> 
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2/13/2017

Gmail - Fwd: Your recent inquiry (receipt #LIN-17-902-83667)



Oleg <oleg.churyumov@gmail.com>

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**Fwd: Your recent inquiry (receipt #LIN-17-902-83667)**

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Ксения Андрейчук <andreychukks@gmail.com>

Mon, Feb 13, 2017 at 12:59 PM

To: "Oleg Churyumov (Google Drive)" <oleg.churyumov@gmail.com>

----- Forwarded message -----

From: USCIS <USCIS-CaseStatus@dhs.gov>

Date: 2017-01-30 21:22 GMT-06:00

Subject: Your recent inquiry (receipt #LIN-17-902-83667)

To: andreychukks@gmail.com

U.S. Department of Homeland Security  
P.O. BOX 82521  
NEBRASKA SERVICE CENTER  
LINCOLN, NE 68501

U.S. Citizenship and Immigration Services  
Monday, January 30, 2017

Emailed to andreychukks@gmail.com

Dear Oleg Churyumov:

On 01/23/2017 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:

– Applicant or Petitioner

Attorney Name:

– Information not available

Case type:

– I765

Filing date:

– 12/23/2016

Receipt #:

– LIN-17-902-83667

Referral ID:

SR10231710587NSC

Beneficiary (if you filed for someone else):

– Information not available

Your USCIS Account Number (A-number):

– 209069241

Type of service requested:

– Beyond Regulatory Time Frame

The status of this service request is:

Your case is currently under review by an officer. You should receive a decision, correspondence or notice of other

2/13/2017

Gmail - Fwd: Your recent inquiry (receipt #LIN-17-902-83667)

action within 60 days of the date of this letter.

We hope this information is helpful and appreciate your continued patience.

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#### Online Services

We offer many online services and tools to help you find the information you need. Please visit our Web site at [www.uscis.gov](http://www.uscis.gov) for information about:

- \* Using our Case Status Online tool;
- \* Signing up for case status updates;
- \* Checking processing times;
- \* Submitting an e-Request to inquire about certain applications and petitions;
- \* Using our Office Locator;
- \* Using InfoPass to schedule an appointment; and
- \* Downloading forms.

#### Address Changes

If you move, please provide us with an updated address. For more information about address changes, please visit our Web site at [www.uscis.gov/ar-11](http://www.uscis.gov/ar-11), and click on Change Your Address Online.

#### For More Information

If you do not find the information you need through our online services and need further assistance, you may contact our National Customer Service Center at [1-800-375-5283](tel:1-800-375-5283) or [1-800-767-1833](tel:1-800-767-1833) (TDD for the hearing impaired).





Oleg &lt;oleg.churyumov@gmail.com&gt;

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**Your recent inquiry (receipt #LIN-17-902-83667)**

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**USCIS** <USCIS-CaseStatus@dhs.gov>  
To: OLEG.CHURYUMOV@gmail.com

Tue, Feb 14, 2017 at 8:12 AM

U.S. Department of Homeland Security  
P.O. BOX 82521  
NEBRASKA SERVICE CENTER  
LINCOLN, NE 68501

U.S. Citizenship and Immigration Services  
Tuesday, February 14, 2017

Emailed to [OLEG.CHURYUMOV@GMAIL.COM](mailto:OLEG.CHURYUMOV@GMAIL.COM)

Dear Oleg Churyumov:

On 02/13/2017 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:

- Applicant or Petitioner

Attorney Name:

- Information not available

Case type:

- I765

Filing date:

- 12/23/2016

Receipt #:

- LIN-17-902-83667

Referral ID:

T1B0441701372NSC

Beneficiary (if you filed for someone else):

- Information not available

Your USCIS Account Number (A-number):

- Information not available

Type of service requested:

- Expedite

The status of this service request is:

The expediting of a case allows it to be sent quickly to an officer for adjudication. However, your case is currently under review by an officer. Please contact us again if you do not receive the document or other correspondence within the 30 day time frame.

We hope this information is helpful to you.

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**Online Services**

We offer many online services and tools to help you find the information you need. Please visit our Web site at [www.uscis.gov](http://www.uscis.gov) for information about:

- \*Using our Case Status Online tool;
- \*Signing up for case status updates;
- \*Checking processing times;

2/14/2017

Gmail - Your recent inquiry (receipt #LIN-17-962-83667)

- \*Submitting an e-Request to inquire about certain applications and petitions;
- \*Using our Office Locator;
- \*Using InfoPass to schedule an appointment; and
- \*Downloading forms.

#### Address Changes

If you move, please provide us with an updated address. For more information about address changes, please visit our Web site at [www.uscis.gov/ar-11](http://www.uscis.gov/ar-11), and click on Change Your Address Online.

#### For More Information

If you do not find the information you need through our online services and need further assistance, you may contact our National Customer Service Center at [1-800-375-5283](tel:1-800-375-5283) or [1-800-767-1833](tel:1-800-767-1833) (TDD for the hearing impaired).